

Contract Completion

Contract Completion Dates Calendar Time			
Substantial Completion	Physical Completion	Contract Completion	Final Acceptance
Starts the time when any liquidated damages caused by overruns of contract time are limited to direct engineering charges.	Establishes the date liquidated damages will no longer be charged to the contract.	Starts the 60-day time period for release of retainage. RCW 60.28	Start of 30-day period for laborers to file lien against retainage. RCW 39.12
1-08.9	Date used on Final Contract Voucher Certification	1-08.5	Start of 180-day period for contractor to bring legal action against the agency. Standard Specification 1-09.11(3)
1-05.11(1) APWA	108.5		1-08.5
	1-05.11(2) APWA		

Substantial Completion

When the contract work is completed to the extent that the agency has full and unrestricted use and benefit of the facilities ... **and only minor incidental work ... remains** to physically complete the total contract. Prior to physical completion, notify your Region H&LP Engineer that you are ready for a Final Inspection.

Physical Completion

When all of the work is physically completed on the project. All the documentation, required by the contract and required by law, need not be submitted by the Contractor by this date. **Do not delay physical completion for paperwork.**

Completion

When all work specified in the contract is completed and all the obligations of the Contractor under the contract are fulfilled by the Contractor. **All required documentation has been submitted by the Contractor.**

Final Acceptance

When the Engineer accepts both the completed contract, and the items of work shown in the final estimate, by signature of the Final Contract Voucher Certification.

Note: Although RCW 39.12 uses Final Acceptance to start the 30-day period for laborers to file liens against the retainage, RCW 60.28 used Completion to start the 60-day period for release of the retainage. It is therefore essential that Final Acceptance occur as soon as possible after Completion to avoid conflicts.

Contractor Submittals

Immediately after the physical completion date:

Notify the contractor of all outstanding documents that are required in order to establish a project completion date.

Provide the contractor written notice of project completion, identifying the Completion Date established for the contract when all the obligations of the contract are complete.

Establish the completion date after all documentation required by the contract, contract provisions, and the Standard Specifications has been received. The following documents are required for establishing the Completion Date or release of the Contractors retained funds:

Affidavit of Wages Paid (All Projects)

The Contractors, all subcontractors, and lower tier subcontractors are required to submit Affidavit of Wages Paid (AWP). While not having all AWP, will not prevent the establishment of the projects completion date, it will prevent the release of the contractor's retained funds. In the event a subcontractor or lower tier subcontractor cannot or will not provide a completed AWP form, the prime contractor can submit for the subcontractor. If the prime is unwilling to take on this responsibility, they should consult or seek guidance from State L&I.

Final Contract Voucher Certificate (All Projects)

Prepare the Final Contract Voucher Certificate (FCVC), identifying the contract total amount, and submit to the contractor for signature.

Assemble the final estimate and send it to the contractor with the FCVC. The FCVC is the Contractor's last chance to formally file a Claim. If there is no exception above the Contractor's signature on the FCVC, there is no claim. The contract will be over as soon as it is returned and you accept it.

Quarterly Reports of Amounts Credited as DBE Participation

The prime contractor must complete the final quarterly report.

When a DBE participates in a contract, only the value of the work actually performed by the DBE will be counted.

Certified Payrolls

The prime contractor, all subcontractors and lower tier subcontractors must submit certified payrolls on federal funded projects. Make certain you have them all, including all requested payrolls corrections.

Material Acceptance Documents (All Projects)

Missing materials submittals is a principal source of delay in closing out the project. Review your ROM carefully to confirm you have all the required documents for the approval and acceptance of these materials.

Local Agency Responsibilities After Physical Completion

After Physical completion, there are a few forms that your agencies must complete. They include:

Final Contract Voucher Certificate

WSDOT form 134-146EF

Materials Certification

Sample form in the LAG Manual – See Appendix 52.104

This form asks for yes or no answers to questions to confirm that all of the materials incorporated into the project were approved, inspected, sampled, tested and certified in accordance with the project plans and specifications and the Standard Specifications. This includes work added by change order

The material certification reflects the project's conformance with the Record of Material as adjusted by the Engineer for:

1. Actual project quantities,
2. Acceptance practices as provided for in the Construction Manual,
3. Adjusted sampling/testing frequencies as approved, and
4. Change Order work added.

Any variance between the requirements of the construction manual, contract documents, Standard Specifications and the actual outcome; must be listed, explained, and resolved.

Ideally, your paperwork is in good order and you can answer yes to each question. If there are any NO answers, these deficiencies must be explained in writing and resolved before certification can be completed.

If you are a CA agency, the materials certification must be signed by the person who fills the position shown on line 2i of your CA agreement, not the inspector or a consultant. If you are not a CA agency, the CA agency who is administering your project must sign the certification.

Appendix 52.104**Sample Materials Certification**

Project _____		Contract No. _____	
Checklist for Project Certification			
	Yes	No	
1.	_____	_____	Request for approval of material sources was submitted for all items listed on the record of materials and as required by Chapter 9-4 of the <i>WSDOT Construction Manual</i> or alternative procedures authorized by LAG Appendix <u>52.108</u> .
2.	_____	_____	All preliminary samples requested by or for approval of source were submitted and approved or an alternate approval material or product was used.
3.	_____	_____	All samples and documentation including manufacturer's certificate of compliance, shop drawings, mill test certificates, etc., as required by the record of materials were submitted and subsequently approved.
4.	_____	_____	If job quantities differed from those listed on the record of materials, acceptance samples were taken at the frequency listed in Chapter 9-5.7 of the <i>Construction Manual</i> or alternative procedures authorized by LAG Appendix <u>52.108</u> .
5.	_____	_____	All items requiring inspection at the point of fabrication were so inspected and were accepted at the jobsite by the presence of an approved stamp, sticker, tag, or mark.
6.	_____	_____	The results of the tests on acceptance samples indicate that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing, were in conformity with the approved plans and specifications. Exceptions to the plans and specifications are explained on the back hereof (or on attached sheet).
7.	_____	_____	Items added by change order and not listed on the record of materials were accepted in accordance with procedures listed in Chapter 9 of the <i>Construction Manual</i> or alternative procedures authorized by LAG Appendix <u>52.108</u> .
<p>Note: Any "No" answers on this checklist must be fully explained and documented. Attach test reports representing nonspecification material as well as an explanation of the circumstances leading to acceptance of said material. All seven items must be completed before the project can be certified.</p>			
Certified Signature _____		Date _____	
(Approving Authority)			

LAG Appendix 52-104

Final Records

Keep **all project records** for three years from the date shown on the administrative review letter you will receive at the end of the project from H&LP.

This retention date will begin after your agency closes the project. If a project spends 1 year in limbo, 3 years in design, 2 years in construction and another 6 months to get closed, the retention date may be as much as 10 years after the start. Many departments will have discarded key documents that relate to your project. **GET A COPY FOR YOUR FILES AT THE BEGINNING OF THE PROJECT.**

As a condition of receiving money from FHWA, you must have ALL records available until the retention date.

These include the following records:

- All design files
- Right of way files
- Consultant selection process documents
- Advertisement, Award, Bid, Execution documents
- All construction records, files, diaries
- Estimate Payments
- Test reports
- As-Built Plans
- Final Contract Voucher
- Affidavit of Wages Paid
- FHWA 47
- Field Notebooks
- Photographs

As-Built Plans (Construction Manual 10-3.11)

As-builts are a record of what was actually constructed, not what was planned. All deviations or changes to the original intended physical product of a contract must be included.

Many agencies prepare their own as-builts. If your contractor prepares them, you need to keep checking weekly to be sure they are doing the work and that it is accurate. When the contractor is gone, **your agency is responsible to meet the requirements of the State law.** RCW 19.122 mandates that owners

of “underground facilities” be able to locate these facilities within 600 mm (24 inches) of the outside dimensions.

The only way to have records this accurate is to keep them up-to-date as the work progresses,

Keep a copy as part of your project records.

The Final Steps

Region Local Program Project Review or Final Field Inspection

The Region Local Programs Office will conduct a final field inspection. Ideally, this can be scheduled to coincide with the final walk through with the contractor. If the final inspection reveals items that must be corrected or resolved before the project can be closed, the Region Local Programs Engineer will work with you until it can be confirmed that outstanding issues are resolved. If there is an unresolved item, a portion of the work may be ineligible for FHWA reimbursement. In that case, you will receive a letter advising which work is ineligible. This may result in some work not being paid or even for reimbursement by your agency for work already billed and paid to you.

What You Need to Send to Region Local Programs

CA Agency

- Physical Completion Letter
- Materials Certification
- Final Billing

Non-CA Agency

- Substantial Completion Letter
- Physical Completion Letter
- Final Voucher Certification
- Materials Certification
- Final Billing

Completion Letter

Within 10 calendar days of completion as defined in the Standard Specifications, you must submit a physical completion letter to the Region Local Programs Office.

Final Billing

You can send in a final bill anytime after the project is completed. However, you must send it in within 90 calendar days from receipt of the 90 day closure